

IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

COMFORT WHEELS, INC.)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 1:21-cv-556
)	
SHENZHEN MIRUISI TECHNOLOGY, CO. LTD.,)	
)	
)	
Defendant.)	

ORDER

On August 20, 2021, United States Magistrate Judge John F. Anderson entered Proposed Findings of Fact and Recommendations (the “Report”) in this case, recommending that default judgment be entered in favor of Plaintiff Comfort Wheels, Inc. and against Defendant Shenzhen Miruisi Technology Co. Ltd.

Upon consideration of the record and Judge Anderson’s Report, to which no objections have been filed, and having found no clear error,¹

The Court **ADOPTS**, as its own, the findings of fact and recommendations of the United States Magistrate Judge, as set forth in the Report (Dkt. 17).

Accordingly,

It is hereby **ORDERED** that plaintiff’s motion for default judgment (Dkt. 13) with respect to Count I is **GRANTED**.

¹ See *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (in the absence of any objections to a magistrate’s report, the court “need not conduct a *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’”).


It is further **ORDERED** that **DEFAULT JUDGMENT** be entered in favor of Plaintiff and against Defendant on Count I. It is **DECLARED** that Defendant's D892,010 design patent is **INVALID** for failure to comply with 35 U.S.C. § 102(a)(1).

It is further **ORDERED** that Counts II, III, and IV of the complaint are dismissed without prejudice.

The Clerk of the Court is directed to enter Rule 58 judgment against Defendant and in favor of Plaintiff.

The Clerk is further directed to provide a copy of this Order to all counsel of record, to Defendant's last known addresses of record, and to place this matter among the ended causes.

Alexandria, Virginia
September 13, 2021



T. S. Ellis, III
United States District Judge